

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re: Hanford Nuclear
Reservation Litigation,

NO. CV-91-3015-WFN

ORDER GRANTING MOTION TO
DISMISS CERTAIN *EVENSON*
PLAINTIFFS WITH PREJUDICE
AND WITHDRAWAL OF COUNSEL

This Order also Relates to: CY-90-3067-WFN

Before the Court is a Motion to Dismiss Certain [*Evenson*] Plaintiffs with Prejudice and Notice of Withdrawal of Counsel, filed by Thomas Foulds on October 13, 2006 (Ct. Rec. 2248 and Praecipe, Ct. Rec. 2249, filed October 17, 2006). No response has been filed to the Motion in the time established by Local Rule. The intent of the Motion is that ten (10) Plaintiffs listed on Exhibit A are to be dismissed with prejudice and the *Evenson* counsel will withdraw representation of these Plaintiffs. The Motion represents that "[n]one of the plaintiffs listed on Exhibit A have elected to do anything other than to accept being dismissed with prejudice." Motion filed 10/13/06 (Ct. Rec. 2248-1) p. 2, ll. 2-4.

The Motion also intends that the *Evenson* counsel will be withdrawing representation for the single Plaintiff listed on Exhibit B, Jay Mullen, who will be represented by new counsel. A Substitution of Counsel for Plaintiff Jay Mullen was filed by Vicki M. Smith on October 23, 2006 (Ct. Rec. 2250).

A proposed Order was submitted by counsel but it failed to Attach Exhibits A and B that were referenced in the Order. The Court has reviewed the file and the Motion and is fully informed. Accordingly,

ORDER GRANTING MOTION TO DISMISS CERTAIN *EVENSON* PLAINTIFFS
WITH PREJUDICE AND WITHDRAWAL OF COUNSEL - 1

1 **IT IS ORDERED** that:

2 1. The Motion to Dismiss Certain [*Evenson*] Plaintiffs with Prejudice and Notice of
3 Withdrawal of Counsel as to Plaintiffs listed on Exhibit A, Ct. Rec. 2248, is **GRANTED**.
4 The claims of the following Plaintiffs listed on Exhibit A of the Motion (Ct. Rec. 2249), are
5 **DISMISSED WITH PREJUDICE** and *Evenson* counsel shall be shown as having
6 withdrawn representation of these Plaintiffs:

7 Cowles, Pauline

8 Davis, Dorothy

9 Desautel, Yvonne M.

10 Dimitrov, Dianne B.

11 Draggoo, Stephan S.

12 Hakala, Virginia

13 Helgeson, Evelyn R.

14 Krause, Rosetta May

15 McCormick, Peggie L.

16 West, Virginia A.

17 2. The Notice of Withdrawal of Counsel as to the Jay Mullen, listed on Exhibit B, **Ct.**
18 **Rec. 2248**, is **GRANTED**. The *Evenson* counsel shall be shown as having withdrawn
19 representation as to Jay Mullen who is listed on Exhibit B to the Motion.

20 3. *Evenson* counsel are requested to attach the Exhibits referenced in future proposed
21 orders to the proposed order.

22 The District Court Executive is directed to:

- 23 • File this Order in the captioned case and in CY-90-3067-WFN; and
- 24 • Provide copies of this Order to counsel; Mediator Gary Bloom; **AND TO** all pro
- 25 se Plaintiffs including Noreen L. Wynne, Carmela M. Destito-Buttice (for late John
- 26 P. Destito, Jr.), Marylin F. Mlnarik, and Kerry L. Todd.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE